

Bland Shire Council

Minutes

Ordinary Council Meeting

17 March 2020

CONFIRMED



OUR VISION, MISSION AND VALUES



ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST
A guiding checklist for Councillors, Officers and Advisory Committees

Ethical Decision Making

- Is the decision or conduct legal?
- Is it consistent with Government policy, Council's objectives and Code of Conduct?
- What will the outcome be for you, your colleagues, the Council, anyone else?
- Does it raise a conflict of interest?
- Could your possible conflict of interest lead to private gain or loss at public expense?
- Can the decision be justified in terms of public interest?
- Would it withstand public scrutiny?

Conflict of Interest

- A conflict of interest is a clash between private interest and public duty. There are two types of conflict: Pecuniary – regulated by the Local Government Act and Office of Local Government and, Non-pecuniary – regulated by Codes of Conduct and policy. ICAC, Ombudsman, Office of Local Government (advice only).

The test for conflict of interest

- Is it likely I could be influenced by personal interest in carrying out my public duty?
- Would a fair and reasonable person believe I could be so influenced?
- Conflict of interest is closely tied to the layperson's definition of "corruption" – using public office for private gain.
- Important to consider public perceptions of whether you have a conflict of interest

Identifying Problems

1st - Do I have private interest affected by a matter I am officially involved in?

2nd - Is my official role one of influence or perceived influence over the matter?

3rd - Do my private interests conflict with my official role?

Whilst seeking advice is generally useful, the ultimate decision rests with the person concerned.

Agency Advice

Officers of the following agencies are available during office hours to discuss the obligations placed on Councillors, Officers and Advisory Committee members by various pieces of legislation, regulation and Codes.

Contact	Phone	Email	Website
Bland Shire Council	6972 2266	council@blandshire.nsw.gov.au	www.blandshire.nsw.gov.au
ICAC	8281 5999 Toll Free: 1800 463 909	icac@icac.nsw.gov.au	www.icac.nsw.gov.au
Office of Local Government	4428 4100	olg@olg.nsw.gov.au	www.olg.nsw.gov.au
NSW Ombudsman	9286 1000 Toll Free: 1800 451 524	nswombo@ombo.nsw.gov.au	www.ombo.nsw.gov.au

17 March 2020

commencing at 6:30PM

Council advises that an audio recording of the proceedings of this meeting will be taken and made publicly available on the website.

1.0 OPENING MEETING AND ACKNOWLEDGEMENT OF COUNTRY

The meeting was opened by the Mayor with the welcome and introduction at 6.30pm.

2.0 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

2.1 Attendance

Councillors

Cr Bruce Baker
Cr Rodney Crowe
Cr Kerry Keatley
Cr Tony Lord
Cr Liz McGlynn
Cr Brian Monaghan
Cr Murray Thomas (arrived 7:23pm)

Staff

Director Technical Services – Will Marsh
Executive Assistant – Julie Sharpe

2.2 Apologies

Cr Penny English
Cr Jan Wyse
General Manager – Ray Smith
Director Corporate & Community Services – Alison Balind

Cr McGlynn conveyed apologies from Cr Thomas who will be arriving late to the meeting.

2.3 Applications for a leave of absence by Councillors

Nil

3.0 CONFIRMATION OF MINUTES

3.1 Ordinary Meeting held on 18 February 2020

- Corrections - Nil
- Business Arising - Nil
- Confirmation

Recommendation:

01032020 RESOLVED on the motion of Cr Keatley seconded Cr Crowe that the minutes of the Ordinary Council meeting held on 18 February 2020 be confirmed as a correct record of proceedings.

CARRIED Unanimously

4.0 DISCLOSURES OF INTERESTS

Councillor/ Officer	Item	Nature of Interest	How Managed
Cr Keatley	8.3 Strengthening Communities – Crooked Mile Show and Shine 8.8 Ungarie Floodplain Risk Management Study	Non-Pecuniary	Verbal Disclosure
Mayor Monaghan	10.3 Drought Communities Programme – West Wyalong Tennis Club	Non-Pecuniary	Verbal Disclosure
Cr McGlynn	10.3 Drought Communities Programme – West Wyalong Tennis Club	Non-Pecuniary	Verbal Disclosure

5.0 PRESENTATION(S) AND PUBLIC FORUM

5.1 Presentations to Staff

At this stage the Mayor invited Mrs Evelyn Withers and Mr Paul Glennon for the presentation of staff awards. Mrs Withers was presented with an award and gift in recognition of her 20 years of service and Mr Glennon was presented with an award and gift in recognition of his 40 years of service.

6.0 MAYORAL MINUTE(S)

The Mayor acknowledged the challenges ahead with the Coronavirus pandemic and the social distancing efforts within the Chamber.

7.0 REPORTS OF COMMITTEES

Recommendation:

02032020 RESOLVED on the motion of Cr Crowe seconded Cr Keatley that the Council receive and note the delegate and committee reports from Councillors and Committee meeting minutes as presented.

CARRIED Unanimously

8.0 REPORTS TO COUNCIL

Section 1 - Office of the General Manager

8.1 West Wyalong Community Theatre – Progress Report – March 2020

Recommendation:

03032020 RESOLVED on the motion of Cr Keatley seconded Cr McGlynn that the progress report, as at March 2020, on the Community Theatre project is received and noted; and that the General Manager continue to keep councillors informed of the progress of this project.

CARRIED Unanimously

8.2 Strengthening Communities – Barmedman Rain Dance

Recommendation:

04032020 RESOLVED on the motion of Cr Lord seconded Cr McGlynn that Council approve a Strengthening Communities grant of \$3000 to the Barmedman Tidy Towns Committee for the Barmedman Rain Dance community event.

CARRIED Unanimously

8.3 Strengthening Communities – Crooked Mile Show and Shine

The Director Technical Services advised that this report has been withdrawn due to the cancellation of the event.

Section 2 – Corporate & Community Services

8.4 Financial Statements – February 2020

Recommendation:

05032020 RESOLVED on the motion of Cr Crowe seconded Cr Baker that:

- 1. Council receive and note the statement of Bank Balances, Rates Collections and Investments for the month of February, 2020**
- 2. Council confirms the payment of accounts, for the period 01 February to 29 February 2020, summarised in the accounts summary totalling \$5,633,095.37.**

CARRIED Unanimously

8.5 Drought Communities Programme Alternate Projects

Recommendation:

06032020 RESOLVED on the motion of Cr McGlynn seconded Cr Baker that the Drought Communities Programme Alternate Projects report be held over and considered following the closed session of the Council Meeting.

CARRIED Unanimously

8.6 Draft Fraud Control Plan

Recommendation:

07032020 RESOLVED on the motion of Cr Baker seconded Cr Crowe that Council;

1. Endorse the DRAFT Fraud Control Plan to be placed on public exhibition for a period of 28 days calling for submissions;
2. Should any submissions be received that propose changes, or if there are substantial post public exhibition changes proposed for any other reasons, a report be submitted to Council for consideration detailing the public exhibition outcomes and with further recommendations regarding adoption; and
3. Should there be no submissions received proposing changes as a result of the public exhibition, or there are no substantial post public exhibition changes proposed for any other reasons, Council adopt the Fraud Control Plan.

CARRIED Unanimously

Section 3 – Technical Services

8.7 Naming of an Un-named Park – Corner of Monash and Park Streets, West Wyalong

Recommendation:

08032020 RESOLVED on the motion of Cr McGlynn seconded Cr Keatley:

1. That Bland Shire Council seek public comment on a proposal to name the park on the corner of Monash and Park Streets, Grellman Park.
2. That, after the close of submissions, another report be submitted to Bland Shire Council.

CARRIED Unanimously

8.8 Ungarie Floodplain Risk Management Study

Recommendation:

09032020 RESOLVED on the motion of Cr Keatley seconded Cr Baker that Bland Shire Council place the draft Ungarie Floodplain Risk Management Study on exhibition for 28 days.

CARRIED Unanimously

8.9 Planning Proposal – PPL2020/0002 – Mid Western Highway, West Wyalong

Recommendation

10032020 RESOLVED on the motion of Cr McGlynn seconded Cr Lord that Council:

1. Support Planning Proposal PPL2020/0002 to amend the Bland Local Environmental Plan 2011
2. Submit Planning Proposal PPL2020/0002 to the Department of Planning, Industry and Environment for Gateway Determination.
3. Request that the Secretary of NSW Planning, Industry and Environment issue a written authorisation to Council to exercise delegation of the plan making functions under section 3.36(2) of the Environmental Planning and Assessment Act 1979 in respect of Planning Proposal PPL2020/0002.
4. Receive a further report if submissions are received during the exhibition period
 - a. Addressing any submissions made in respect of the planning proposal
 - b. Proposing adoption of the planning proposal unless there are any recommended amendments deemed substantial and requiring further public exhibition.

CARRIED Unanimously

8.10 Local Strategic Planning Statement

Recommendation:

11032020 RESOLVED on the motion of Cr Crowe seconded Cr McGlynn that Council:

- 1. Prepare a local strategic planning statement in accordance with section 3.9 of the Environmental Planning and Assessment Act 1979,**
- 2. Exhibit the local strategic planning statement for 28 days in accordance with the Community Participation Plan.**
- 3. Receive a further report on the local strategic planning statement upon completion of the exhibition period.**

CARRIED Unanimously

Section 4 - Reports for Information

Recommendation:

12032020 RESOLVED on the motion of Cr McGlynn seconded Cr Baker that the following reports, provided for information only, be received and noted.

- 8.11 - Economic Development & Tourism Report – February 2020**
- 8.12 - Community Services Report**
- 8.13 - Bland Shire Library Monthly Update**
- 8.14 - Children’s Services Monthly Update**
- 8.15 - Assets & Engineering Services Report**
- 8.16 - Development Services Activity Report February 2020**

CARRIED Unanimously

9.0 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

Nil

10.0 CONFIDENTIAL MATTERS

Recommendation:

13032020 RESOLVED on the motion of Cr Keatley seconded Cr Crowe that Council close the Ordinary meeting of Council to discuss confidential business under the provisions of Section 10A(2) of the Local Government Act.

CARRIED Unanimously

The meeting then closed at 7:13pm

Recommendation:

17032020 RESOLVED on the motion of Cr Lord seconded Cr Baker that Council move out of closed Council and into open Council.

CARRIED Unanimously

The meeting then resumed at 7:54pm

10.1 Strategic Property Purchase – Wyalong

Local Government Act 1993 (section 10A (2) (c)

The matters and information are information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

At this stage during the closed session, 7.23pm, Cr Thomas arrived.

Recommendation:

14032020 RESOLVED on the motion of Cr Crowe seconded Cr Lord that council consider the offer to purchase property in Neeld Street Wyalong as detailed in the report.

CARRIED Unanimously

10.2 Business Assistance Application

Local Government Act 1993 (section 10A (2) (c)

The matters and information are information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

Recommendation:

15032020 RESOLVED on the motion of Cr Thomas seconded Cr Baker that Council defer to the next Council meeting in April 2020 the Business Assistance Application from Miss Paris Anderson-Lynch of Energy Flow.

CARRIED Unanimously

10.3 Drought Communities Programme

Local Government Act 1993 (section 10A (2)

The matters and information are the following:

- (d) commercial information of a confidential nature that would, if disclosed:*
- (iii) reveal a trade secret,*

Recommendation:

16032020 RESOLVED on the motion of Cr Lord seconded Cr Crowe that Bland Shire Council add the projects of:

- **West Wyalong Tennis Club Amenities area - \$74,562**
- **Purchase and Installation of outdoor fitness equipment - \$110,000**
- **Green corridor refurbishment as passive recreation space (Stage 1) - \$183,000 to the Bland Shire Council Drought Communities Programme's "B" list.**

CARRIED Unanimously

Council then considered the held over report:

8.5 Drought Communities Programme Alternate Projects

Recommendation:

18032020 RESOLVED on the motion of Cr Lord seconded Cr Thomas that Bland Shire Council endorses the following activities for inclusion in the Drought Community Programme – Extension application as alternate projects for funding:

- 13. Village Pump Track - \$100,000**
- 14. West Wyalong Scout Hall refurbishment - \$80,000**
- 15. Purchase and Installation of outdoor fitness equipment - \$110,000**

CARRIED Unanimously

11.0 CONCLUSION OF THE MEETING

There being no further business the meeting then closed at 7:58pm.

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Chairperson

CONFIRMED